



SENTENCING IN WISCONSIN

Snapshots of Information on Wisconsin Sentencing

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Sentencing Guidelines Offenses: Summary Statistics on Worksheet Grid Cells

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In Wisconsin, advisory guidelines exist to help judges determine appropriate sentence lengths for offenders. Prior to issuing a sentence, judges are asked to determine the severity of the offense and the perceived risk posed by the offender on a scale from one to three. These two measures are then translated into a 3x3 grid, which provides a recommendation for an appropriate sentence. Since these guidelines are voluntary, judges are free to deviate from the recommended sentence as they see fit. Because of this, many judges have expressed an interest in learning how closely actual sentence lengths correspond to recommended lengths.

To answer this question, the WSC compiled summary statistics for ten of the eleven worksheet offenses (*1st Degree Sexual Assault*, *2nd Degree Sexual Assault*, *1st Degree Sexual Assault of a Child*, *2nd Degree Sexual Assault of a Child*, *Robbery*, *Armed Robbery*, *Burglary*, *Forgery*, *Deliver/Possession with Intent to Deliver Cocaine*, and *Deliver/Possession with Intent to Deliver Marijuana*). *Theft Over \$10,000* did not have enough cases for analysis. For each of these offenses, every cell of the sentencing grids was examined to compare recommended sentence ranges to actual sentencing practices. For each cell, six key statistics are provided:

- **Recommended Sentence Range:** The recommended sentence range of confinement as provided on the guidelines worksheet for the specified offense.
- **Percent of Cases:** The percent of total cases in the cell for the specified offense.
- **Percent Given Probation:** The percent of cases in the cell sentenced to probation.

- **Percent Adjusted:** The percent of cases in the cell adjusted due to other case factors and sentenced outside of the worksheet's recommended range.
- **Median Length of Confinement:** The median sentence length—half above, half below—of confinement to prison for cases in the cell.
- **Interquartile Range of Confinement:** The interquartile range—middle 50%—for sentence lengths of confinement to prison.

Assessments of risk and severity were gathered from WSC worksheets that judges completed immediately after issuing their sentence. The worksheet data was subsequently matched to data from the state's CCAP system from February 2003 to December 2004 to determine sentence length and type.

As a final note, overall, these grids present an accurate representation of sentencing in the state. However, some offenses occurred relatively infrequently. For example, no *First Degree Sexual Assault* cases were reported for five of the nine cells. Therefore, one should be cautious when attempting to draw broad conclusions in these instances.

Complete summary tables for all offenses can be found online at <http://www.wsc.wi.gov>.

The Wisconsin Sentencing Commission periodically publishes "Sentencing in Wisconsin" to provide the public, state courts, and policymakers data on state sentencing practices. For other publications, or more information about the Commission, see its website, <http://wsc.wi.gov>